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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/791,678 | 03/02/2004 | Jeffry Jovan Philyaw | PHLY-26,664 | 2622 |

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| EXAMINER | |
|---|---|
| COULTER, KENNETH R | |
| ART UNIT | PAPER NUMBER |
| 2141 | |

| SHORTENED STATUTORY PERIOD OF RESPONSE | MAIL DATE | DELIVERY MODE |
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| 3 MONTHS | 02/07/2007 | PAPER |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

| Office Action Summary | Application No. | Applicant(s) | |
|---|---|---|---|
| | 10/791,678 | PHILYAW, JEFFRY JOVAN | |
| | Examiner | Art Unit | |
| | Kenneth R. Coulter | 2141 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) 1-36 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1-36 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on 02 March 2004 is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

## DETAILED ACTION

### *Specification*

1. The disclosure is objected to because of the following informalities:

The "CROSS REFERENCE TO RELATED APPLICATION" section (p. 2 of the specification) must be updated (U.S. Ser. No. 09/378,221 has issued as U.S. Pat. No. 6,745,234; U.S. Ser. No. 09/151,471 is now abandoned)

Appropriate correction is required.

### *Claim Objections*

2. A series of singular dependent claims is permissible in which a dependent claim refers to a preceding claim which, in turn, refers to another preceding claim.

A claim which depends from a dependent claim should not be separated by any claim which does not also depend from said dependent claim. It should be kept in mind that a dependent claim may refer to any preceding independent claim. In general, applicant's sequence will not be changed. See MPEP § 608.01(n).

### *Double Patenting*

3. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims

are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

4. Claims 1 – 36 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1 - 36 of U.S. Patent No. 6,701,369. Although the conflicting claims are not identical, they are not patentably distinct from each other because of the following mapping below.

Claim 1 of the present Application maps closely to claim 1 of '369.

Claim 2 of the present Application maps closely to claim 2 of '369.

Claim 3 of the present Application maps closely to claim 3 of '369.

Claim 4 of the present Application maps closely to claim 4 of '369.

Claim 5 of the present Application maps closely to claim 5 of '369.

Claim 6 of the present Application maps closely to claim 6 of '369.

Claim 7 of the present Application maps closely to claim 7 of '369.

Claim 8 of the present Application maps closely to claim 8 of '369.

Claim 9 of the present Application maps closely to claim 9 of '369.

Claim 10 of the present Application maps closely to claim 10 of '369.

Claim 11 of the present Application maps closely to claim 11 of '369.

Claim 12 of the present Application maps closely to claim 12 of '369.

Claim 13 of the present Application maps closely to claim 13 of '369.

Claim 14 of the present Application maps closely to claim 14 of '369.

Claim 15 of the present Application maps closely to claim 15 of '369.

Claim 16 of the present Application maps closely to claim 16 of '369.

Claim 33 of the present Application maps closely to claim 17 of '369.

Claim 34 of the present Application maps closely to claim 18 of '369.

Claims 17 – 32, 35, and 36 map similarly.

### *Claim Rejections - 35 USC § 102*

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1 – 36 are rejected under 35 U.S.C. 102(e) as being anticipated by Wilz, Sr. et al. (U.S. Pat. No. 6,152,369) (System for Storing, Accessing and Displaying HTML Encoded).

6.1 Regarding claim 1, Wilz discloses a method of accessing one or more remote locations on a network by sensing a machine-resolvable code, comprising the steps of:

providing a first computer disposed on the network, the first computer being interfacable to an input device for sensing a machine resolvable code proximate a first location, the first computer running a software application which includes a software identification code unrelated to the machine resolvable code having an association with at least one of the one or more remote locations (Abstract; Figs. 4, 5; col. 27, line 63 – col. 28, line 15);

accessing with the first computer a second computer disposed on the network in accordance with routing information provided by the first computer and in response to sensing by the input device the machine-resolvable code proximate the first location; transferring to the second computer from the first computer at least the software identification code (Abstract; Figs. 4, 5; col. 27, line 63 – col. 28, line 15);

storing in an associative database at the second computer associations between software identification codes and ones of the one or more remote locations and operable to have routing information associated with each of the one or more remote locations (Abstract; Fig. 3; col. 27, line 63 – col. 28, line 15);

performing a lookup operation at the second computer to match the software identification code with the associated at least one of the one or more remote locations in accordance with the stored associations to obtain associated remote routing information corresponding to the associated at least one of the one or more remote locations (Abstract; Fig. 3; col. 27, line 63 – col. 28, line 15);

returning to the first computer from the second computer the remote routing information of the at least one of the one or more remote locations determined at the second computer to correspond to the software identification code that was transferred from the first computer to the second computer (Abstract; Fig. 3; col. 27, line 63 – col. 28, line 15); and

accessing with the first computer the associated at least one of the one or more remote locations according to the returned remote routing information to retrieve remote information from the one of the one or more remote locations associated with the returned remote routing information (Abstract; Fig. 3; col. 27, line 63 – col. 28, line 15).

6.2 Per claim 2, Wilz teaches the method of claim 1, wherein the step of accessing with the first computer further comprises the steps of:

returning information from the associated at least one of the one or more remote locations to the first computer (Abstract; Figs. 4, 5; col. 27, line 63 – col. 28, line 15); and

presenting at least a portion of the information so returned on the display of the first computer for presentation to the user (Abstract; Figs. 4, 5; col. 27, line 63 – col. 28, line 15).

6.3 Regarding claim 3, Wilz discloses the method of claim I wherein in response to the sensing of a machine-resolvable code using the input device, the software application running on the first computer converts the software identification code and generates routing information for transmission to the second computer (Abstract; Figs. 4, 5; col. 27, line 63 – col. 28, line 15).

6.4 Per claim 4, Wilz teaches the method of claim 3, wherein the routing information includes the software identification code and the address of the second computer (Abstract; Figs. 4, 5; col. 27, line 63 – col. 28, line 15).

6.5 Regarding claim 5, Wilz discloses the method of claim 1, wherein the machine-resolvable code is an optical code and the input device is an optical code scanner (col. 27, line 66 – col. 28, line 7).

6.6 Per claim 6, Wilz teaches the method of claim 5, wherein the optical code is a bar code and the optical code scanner is a bar code scanner (col. 27, line 66 – col. 28, line 7).

6.7 Regarding claim 7, Wilz discloses the method of claim 6, wherein the bar code is a universal product code (UPC) bar code (col. 25, lines 54 – 61).

6.8 Per claim 8, Wilz teaches the method of claim 5, wherein the optical code is alphanumeric text and the optical code scanner is an optical character recognition (OCR) scanner (col. 21, lines 11 – 23; col. 4, lines 16 – 17).

6.9 Regarding claim 9, Wilz discloses the method of claim 5, wherein the optical code is a portion of a display screen displaying a pattern of modulated brightness and the optical code scanner comprises a light sensor (col. 3, lines 5 – 12; col. 4, lines 8 – 19).

6.10 Per claim 10, Wilz teaches the method of claim 1, wherein the machine-resolvable code is an audio tone and the input device comprises a microphone (col. 36, lines 11 – 33; Fig. 19).

6.11 Regarding claim 11, Wilz discloses the method of claim 1, wherein the machine-resolvable code is a magnetic pattern in a strip of magnetic material and the input device is a magnetic strip reader (col. 37, lines 9 – 15).

6.12 Per claim 12, Wilz teaches the method of claim 1, wherein the machine-resolvable code is a pattern of electromagnetic signals transmitted from an induction-coupled transceiver device and the input device is an electromagnetic signal receiver (col. 21, lines 11 – 29; col. 37, lines 9 – 15).

6.13 Regarding claim 13, Wilz discloses the method of claim 1, wherein: the machine-resolvable code is associated with at least a second of the one or remote locations; the step of transferring is operable to also transfer the sensed machine-resolvable code to the second computer; the step of storing associations comprises storing an association between ones of machine resolvable codes and ones of the one or more remote locations; and the step of performing a lookup operation at the second computer further comprises matching the received machine-resolvable code with the associated at least a second of the one or more remote locations to obtain remote routing information corresponding to the associated at least a second of the one or more remote locations (Abstract; Figs. 4, 5).

6.14 Per claim 14, Wilz teaches the method of claim 13, wherein the step of returning the remote routing information further comprises returning the remote routing information corresponding to the associated at least a second of the one or more remote locations from the second computer to the first computer (Abstract; Figs. 4, 5).

6.15 Regarding claim 15, Wilz discloses the method of claim 14, wherein the step of accessing with the first computer further comprises the steps of,

returning information from the associated at least one of the one or more remote locations to the first computer (Fig. 4; col. 22, lines 6 – 26);

returning information from the associated second of the one or more remote locations to the first computer (Fig. 4; col. 22, lines 6 – 26); and

framing at least a portion of the information from the associated at least one of the one or more remote locations and at least a portion of the information from the associated second of the one or more remote locations in a browser window of the first computer for presentation to the user (Fig. 4; col. 22, lines 6 – 26).

6.16 Per claim 16, Wilz teaches the method of claim 1, wherein the network is a global communication network (col. 10, lines 28 – 30).

6.17 Regarding claim 33, Wilz discloses the method of claim 1, wherein a remote location is accessible corresponding to each one of the group consisting of the machine-resolvable code, the software identification code and the input device ID (Abstract; Figs. 4, 5).

6.18 Per claim 34, Wilz teaches the method of claim 33, wherein the step of performing a lookup operation includes obtaining routing information for a remote location corresponding respectively to each one of the machine resolvable code, the software identification code and the input device ID (Abstract; Figs. 4, 5).

6.19 Regarding claims 17 – 32, 35, and 36, the rejection of claims 1 – 16, 33, and 34 under 35 USC 102(e) (paragraphs 6.1 – 6.18 above) applies fully.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth R. Coulter whose telephone number is 571 272-3879. The examiner can normally be reached on M – F, 7 am – 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on 571 272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

KENNETH R. COULTER
PRIMARY EXAMINER

krc